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March 29, 2017

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The Hon, Laura Taylor Swain
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10038

Mary Lynne Werlwas
Project Director
Prisoners' Rights Project

Re: *Nunez v. City of New York*,
11-Civ-5845 (LTS) (JCF)

Your Honor:

On behalf of all parties, enclosed please find a stipulation executed by all parties reflecting modification of the existing confidentiality order, consistent with Your Honor's ruling of September 13, 2016 (Dkt. 289). Thank you.

Very truly yours,

/s/ Mary Lynne Werlwas

Mary Lynne Werlwas
Counsel for *Nunez* plaintiff class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
MARK NUNEZ, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	11 Civ. 5845 (LTS)(JCF)
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
-----	X	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff-Intervenor,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK and NEW YORK CITY	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	
-----	X	

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, who are all of the parties to this action, that the Amended Protective Order (Dkt. 89) is further amended by adding the following subparagraphs (j), (k), and (l) to paragraph 2:

(j) Recommendations contained in the report authored by Jeffrey Beard pursuant to Section XVI, paragraph 11, of the Consent Judgment (*see* Dkt. 249, at page 48 of 65), unless such information is included in a Monitor's Report filed with the Court;

(k) Information set forth in the columns captioned "Remarks" and "Case Description" in DOC's production of reports of preliminary reviews conducted by DOC pursuant to the Consent Judgment, Section VII, paragraph 7 (*see* Dkt. 249, at pages 18-20 of 65), except that

Plaintiffs' Counsel will be permitted to disclose: (i) aggregate trend information gleaned from the reports of the preliminary reviews, excluding reference to any specific incidents or individuals, and with the express caveat that any information disclosed is based on preliminary assessments, as set forth in the Court's Order dated September 13, 2016 (Dkt. 289), and (ii) information that is included in a Monitor's Report filed with the Court; and

(l) All other documents that all Parties agree shall be treated as Confidential Materials, provided notice is given to the Court;

IT IS FURTHER STIPULATED AND AGREED, that nothing in this stipulation and order shall be deemed as a waiver by the City or DOC of any applicable privilege whatsoever.

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SO ORDERED this _____ day of _____, 2017

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE